

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

| | | |
|---------------------------------|---|------------------------------|
| HIGH PLAINS CONSTRUCTION, INC., |) | NO. 4:11-cv-00245-JEG-TJS |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| PAUL GAY, ROB ROLLINS and |) | DEFENDANTS' MOTION TO EXTEND |
| AEROSTAR, INC., |) | TIME FOR FILING RESPONSIVE |
| |) | PLEADINGS (CONSENT) |
| Defendants. | | |

Come now the Defendants, Paul Gay, Rob Rollins, and Aerostar, Inc., and for their Motion to Extend Time for Filing a Responsive Pleading, state:

1. The Plaintiff filed a Petition at Law in the Iowa District Court for Polk County on April 29, 2011.
2. The Defendants (or at least one of them) were served on or near May 9, 2011.
3. On May 26, 2011, the Defendants removed this case from the Iowa District Court for Polk County to the United States District Court for the Southern District of Iowa.
4. Under the Rule 81(c) of the Federal Rules of Civil Procedure, the Defendants have until June 2, 2011 to file a responsive pleading.
5. The parties agree that an attempt should be made to resolve this matter without further litigation. Accordingly, Plaintiff has agreed the Defendants may have until (and including) July 1, 2011, to file a responsive pleading. Likewise, in connection with a companion lawsuit filed by Defendant Aerostar, Inc. against Plaintiff High Plains Construction, Inc., in the Commonwealth of Massachusetts, Defendant Aerostar, Inc. has agreed to provide an identical extension of time for the Plaintiff herein to file a responsive pleading in that matter.

6. Counsel for the Defendants and counsel for the Plaintiff have conferred and the Plaintiff has consented to this motion.

WHEREFORE, Defendants respectfully request that the Court given them to and including July 1, 2011, to file a responsive pleading in this matter, and for such other relief as the Court deems appropriate.

/s/Joseph A. Cacciato

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2011, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following:

David Morse
1010 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309

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/s/Joseph A. Cacciato